

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, APRIL 23, 2002
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:14 a.m. The meeting was recessed by Mayor Murphy at 10:44 a.m. to convene the Special Redevelopment Agency. Mayor Murphy reconvened the meeting at 11:58 a.m. with Council Member Wear not present. Mayor Murphy recessed the meeting at 12:03 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:07 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 3:23 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

Clerk-Fishkin (mc/ek)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comments by Don Stillwell quoting former IRS agents who stated that there is no law that requires Americans to file Federal Tax returns. He stated that if you are a citizen of the United States, Title 26, the Internal Revenue Code, does not pertain to you.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A014-044.)

PUBLIC COMMENT-2:

Comments by Bruce Chalett, from the San Diego Alliance for Clean Elections, appealing to Council for their consideration and support for more public presence and input in our elections. The proposal is for candidates to voluntarily choose to run on a clean election platform and would not accept funds from anyone or any entity seeking self-serving gains, but would instead receive funds from the City government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A045-084.)

PUBLIC COMMENT-3:

Comment by Noel Neudeck stating that the Mayor and Council should have each received a faxed copy of the April 20, 2002, San Diego Union newspaper article titled "Wrong data on housing prices may hurt San Diego." He recommended that when one wants to obtain correct San Diego Real Estate transaction amounts, Data Quick Information Systems, located in La Jolla, has correct money sales records. He recommended that people use Data Quick's home page, www.dataquick.com.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A086-109.)

PUBLIC COMMENT-4:

Comment by Joyceline Tarr thanking Council for cutting their Palm trees on Newport Avenue. She also requested that staff investigate the sidewalk and streets for potholes, specifically in Point Loma, to prevent accidents especially for the children who walk there. She stated that if a Council Member could meet with her she would be happy to take him or her to all the potholes that she knows about throughout San Diego to prevent future accidents. Council Member Wear stated that his staff will meet with her and address her concerns.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A110-140.)

PUBLIC COMMENT-5:

Comments by Steve McWilliams and Barbara MacKenzie stating that Shelter From the Storm's Medical Cannabis Coffee House and Information Resource for patients, has served the community helping to provide patients with knowledge of the Compassionate Use Act and the medical benefits of cannabis. He also stated that on April 20th he ended his three years of probation and that they will be taking up the cause of the terminally ill by helping them get their medicine and close the coffee house on Sunday afternoons from 2:15 p.m. to 4:20 p.m. and be only open to people who are terminally ill.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A141-181.)

PUBLIC COMMENT-6:

Comment by Laura Riebau speaking against the Crossroads Redevelopment Project. She said the basis for the project is blight and without a determination of prevalent and substantial blight there is no project. Ms. Riebau stated that their neighborhoods are not blighted. They have safe buildings, low crime rates, plenty of stores and lending institutions, and their property values are booming. They would like to see more improvements but they want them gained through free enterprise not at the cost of their community members livelihoods and legacies.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A183-223.)

COUNCIL COMMENT:

COUNCIL COMMENT-1: **REFERRED TO CITY MANAGER**

Comment by Council Member Atkins regarding the City-wide event, "Christmas in April," that did 33 projects City-wide this past week, ten of which were in the City Heights, Fox Canyon area. She wanted to acknowledge what a great community effort it was and the numerous houses that were improved. She also apologized for misstating something that was not exactly accurate yesterday, on an issue relating to the ballpark, that some of our historic bricks are missing. She admonished CCDC but later found out that it was not an issue relating to CCDC. She asked that the City Manager, after investigating this issue, provide Council with a written report as to who is responsible, the status of the bricks and what the remedies are.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A225-259.)

COUNCIL COMMENT-2:

Comment by Council Member Madaffer on the "Christmas in April" project. He said there were 2,100 volunteers for this project throughout the City of San Diego that worked this past Saturday. In his district alone, there were eight houses in the Fox Canyon area which he had an opportunity to stop and see on Saturday. He acknowledged the 200 people who worked in his district along with many others who worked on the project. He encouraged everyone to take the opportunity to be a part of this project.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A279-309.)

COUNCIL COMMENT-3:

Comment by Mayor Murphy regarding the dedication of Terra Alta Park, which is a square block park built on top of I-15 in City Heights. It is the only park in California built on top of a freeway. He also stated that this park was approved by the San Diego City Council in 1985 when he was still a member of the Council. It has taken 17 years to get built and was an innovative idea that took a long time to implement. He also stated that his office participated in Earth Fair in Balboa Park on Sunday. He thanked Washington Mutual, the organizers, for helping sponsor the booth and he also thanked Bill Tall of the City Farmers Nursery who donated plants for the booth. He handed out temporary tatoos with his Goal Number 3, "Greater Neighborhoods We Can Be Proud Of" and also handed out bookmarks that identifies his ten goals which he also had distributed to Council.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A310-355.)

CITY ATTORNEY COMMENT:

City Attorney Gwinn thanked the Mayor and Council for their support related to the Family Justice Center a number of weeks ago. Last week he had the opportunity to testify in Washington in front of the United States Senate Judiciary Committee on the Family Justice Center proposal at the request of the Department of Justice. He also commented that the President and Congress has declared May 2nd from 9:30 a.m. to 11:30 a.m., as the National Day of Prayer. The event will be this Saturday, April 27th in front of the County Administration Building involving over 160 different churches that will be in attendance.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A261-278.)

CITY MANAGER COMMENT:

City Manager Uberuaga commented that he was also at the Terra Alta Park event on Saturday and stated that the park is integrated into the community and serves as a pedestrian orientation between the Middle School on one side and an Elementary School on the other side, and between the two residential communities. He also announced that he appointed a new Park and Recreation Director this week, Ellen Oppenheim, who is currently the General Manager of the Park and Recreation Department for the City of Los Angeles. She will take her new post on June 10.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A356-389.)

ITEM-330: FY2003 Social Service Program Funding.

(See City Manager Report CMR-02-083.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1412) ADOPTED AS RESOLUTION R-296402

Adopting the City Manager's funding recommendations for FY2003 Social Service Programs as stated in City Manager Report CMR-02-083, contingent upon certification of funds availability by the City Auditor and Comptroller;

Approving the funding appropriations from the General Fund, Community Development Block Grant Program, Emergency Shelter Grant and Housing Opportunities for People with AIDS for FY2003 Social Services Programs;

Authorizing the City Manager to negotiate and execute agreements with all programs approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D011-E434.)

MOTION BY WEAR TO ADOPT WITH DIRECTION TO THE CITY MANAGER THAT STAFF PROVIDE DEFINITIVE GOALS FOR SOCIAL SERVICE GROUPS THAT ARE COMPETING AND WANT TO CREATE GREATER ACCESSIBILITY, AS WELL AS TO DETERMINE WHAT THEIR NEEDS ARE AND HOW THIS CAN BE DONE MORE STRATEGICALLY IN THE FUTURE.

ACCEPT DEPUTY MAYOR STEVENS' RECOMMENDATION THAT STAFF PROVIDE AN EVALUATION AND PRIORITIZE THE SERVICES THAT THE CITY NEEDS AND DETERMINE WHERE CDBG FUNDS CAN BEST BE USED. THIS SHOULD BE DONE BY A NEEDS-ASSESSMENT, IN ORDER TO FUND WITH THE DOLLARS AVAILABLE AS MANY SERVICES AS POSSIBLE.

ACCEPT MAYOR MURPHY'S RECOMMENDATION THAT THE TASK FORCE BRING BACK THEIR RECOMMENDATIONS AND METHODOLOGY TO THE RULES COMMITTEE AND THAT THE COMMITTEE LOOK AT THE PERCENTAGE OF INCREASE IN FUNDS TO SEE IF THE PERCENTAGE INCREASE IS LEAVING MORE ORGANIZATIONS OUT. FURTHER, RECOMMEND THAT THIS "BALANCING PROCESS" BE REVISITED AT THE TIME THAT THE TASK FORCE LOOKS AT THIS ISSUE AND BRINGS IT BEFORE THE RULES COMMITTEE IN JULY, AUGUST OR SEPTEMBER AND PRIOR TO GETTING INTO THE NEXT ROUND. AT THAT TIME, THE COMMITTEE CAN LOOK AT THE ABOVE-STATED ISSUES THAT COUNCIL MEMBERS WEAR AND DEPUTY MAYOR STEVENS RAISED. Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S500: Two actions related to Disposition and Development Agreement for the North Park Theatre Rehabilitation Project.

(See City Manager Report CMR-02-088. North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1165) ADOPTED AS RESOLUTION R-296397

Approving the Disposition and Development Agreement for the North Park Theatre Project in the North Park Redevelopment Project area with the North Park Theatre LLC; approving the sale of property in the North Park Redevelopment Project area; and making certain findings with respect to the Disposition and Development Agreement and the sale.

Subitem-B: (R-2002-1164) ADOPTED AS RESOLUTION R-296398

Certifying that the Council has reviewed and considered information contained in the Final Environmental Impact Report for the North Park Redevelopment Project and making certain findings and determinations regarding the environmental impacts of the North Park Theatre Project.

NOTE: See the Redevelopment Agency Agenda of 4/23/2002 for a companion item.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: C235-241.)

Hearing began at 11:58 a.m. and halted at 11:59 a.m.

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S501: Three actions related to Conveyance, Rehabilitation, and Associated Improvements relating to the North Park Theatre.

(See City Manager Report CMR-02-087. North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1455) ADOPTED AS RESOLUTION R-296399

Certifying that the Council has reviewed and considered information contained in the Final Environmental Impact Report for the North Park Redevelopment Project and making certain findings and determinations regarding the environmental impacts of the proposed public parking facility accompanying the North Park Theatre Project.

Subitem-B: (R-2002-1454) ADOPTED AS RESOLUTION R-296400

Authorizing the City Manager to accept the payment of \$900,000 of Community Development Block Grant (CDBG) Funds from the Redevelopment Agency, to loan \$900,000 in CDBG Funds to the Agency for land acquisition and development of a public parking lot, and to amend the Fiscal Year 2002 Community Development Block Grant Budget.

Subitem-C: (R-2002-1163) ADOPTED AS RESOLUTION R-296401

Authorizing the City Manager to convey real property to the Redevelopment Agency for the North Park Theatre Project in the North Park Redevelopment Project area.

NOTE: See the Redevelopment Agency Agenda of April 23, 2002 for a companion item.

FILE LOCATION: SUBITEMS A - C: MEET

COUNCIL ACTION: (Tape location: C242-245.)

Hearing began at 12:00 p.m. and halted at 12:01 p.m.

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:23 p.m. in honor of the memory of:

Jane Lum as requested by Council Member Maienschein.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E434).